

**REMARKS/ARGUMENTS**

|Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

It is submitted that while the outstanding Action is indicated as being a final rejection, it should have been made non-final. The Examiner is requested to explain why Applicants' prior amendment necessitated the new ground of rejection.

Claim 29 has been revised to include the limitation of now cancelled claim 31. Claim 29 now includes a definition of Z<sub>1</sub> that corresponds to that presented in now cancelled claim 30. With the cancellation of claim 30, claim 47 has been revised to depend from claim 29. That claims have been revised/cancelled should not be taken as an indication that Applicants agree with any position taken by the Examiner. Rather, the revisions are offered merely to advance prosecution and Applicants reserve the right to pursue any deleted subject matter in a continuation application.

Claims 25, 29, 30, 32, 37, 38 and 46-48 stand rejected under 35 USC 102(a) as allegedly being anticipated by Smolarsky. Claim 49 stands rejected under 35 USC 103 as allegedly being obvious over Smolarsky in view of Lipman. Withdrawal of the rejections is submitted to be in order in view of the above-noted claim revisions/cancellations, particularly in view of the Examiner's acknowledgement of the allowability of claim 31 (as noted above, claim 29 as now presented includes the limitation of claim 31 - all of the rejected claims depend, directly or indirectly, from claim 29). Reconsideration is requested.

FREEMAN et al  
Appl. No. 09/763,236  
July 9, 2004

**Attached is a further copy of the PTO-1449 Form submitted July 25, 2003.**

**The Examiner is again requested to initial the Jaffar et al article and return the Form.**

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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## **INFORMATION DISCLOSURE CITATION**

Atty. Docket No.

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**Applicant**

FREEMAN et al

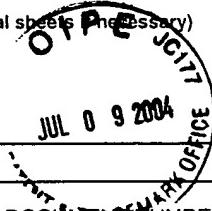
**Filing Date**

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**Group**

June 11, 2001

1617



U.S. PATENT DOCUMENTS

## **FOREIGN PATENT DOCUMENTS**

## **TRANSLATION**

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

	Hay et al, "Nitroimidazole-based "extruded mustards" designed as reductively activated hypoxia-selective cytotoxins", Anti-Cancer Drug Design 11(5):383-402 (1996)
	Rauth et al, "Bioreductive therapies: An overview of drugs and their mechanisms of action", International Journal of Radiation 42(4):755-762 (1998)
	Nudelman et al "Hypoxic radiosensitizers: substituted styryl derivatives", Arch. Pharm. 327(10):619-625 (1994)
	Jaffar et al, "Bioreductive drugs: Selectivity towards hypoxic tissue", Expert Opinion on Therapeutic Patents 9(10):1371-1380 (1999)

\*Examiner \_\_\_\_\_ Date Considered \_\_\_\_\_

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.